IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Erik Rucker et al.	Examiner:	Singh, Rachna
Serial No.:	09/598,856	Group Art Unit:	2176
Filed:	June 21, 2000	Confirmation No.:	6692
		Docket No.:	MS149424.01/40062.0177US01
Title:	System and Method for Enabling Simultaneous Multi-User Electronic Document Editing		

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Appellants submit an appeal brief in response to the final rejection dated March 21, 2007. A Notice of Appeal and a pre-appeal brief were filed on August 13, 2007. A notice of Panel Decision from Pre-Appeal Brief Review was mailed January 3, 2008.

Please charge the $510.00 fee required by 37 C.F.R. § 41.20(b)(2) to Deposit Account No. 13-2725. It is believed that no further fees are due with this Appeal Brief, however, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

I. Real Party in Interest

The real party in interest is Microsoft Corporation of Redmond, Washington. An Assignment recorded on November 6, 2000 at reel 011273, frame 0348, lists Microsoft Corporation as the assignee of the present application.

II. Related Appeals and Interferences

A pre-appeal brief was filed in the above-identified application, Application No. 09/598,856, on August 13, 2007.

III. Status of Claims

The status of the claims is as follows:

- claims allowed: none;
- claims objected to: none;
- claims rejected: 1-14 and 16-28;
- claims canceled: 15; and
- claims withdrawn from consideration: none.

The claims being appealed are: independent claims 1, 5, 13 and 21.

IV. Status of Amendments

All amendments filed during the prosecution of the above-identified application have been entered. No amendments were made following the Final Office Action of March 21, 2007.

V. Summary of Claimed Subject Matter

Claim 1 recites a method for enabling simultaneous multi-user editing of an original document. The method includes receiving a request from a first user to open an original document. A determination is made as to whether a second user, having exclusive rights to save the original document while the document is open, currently has the original document open. If the second user has the document open, a local copy of the document is created and a path of the original document is stored with the local copy. When a request is received to save changes to the local copy, a determination is made as to whether the second user still has the original document open. If the second user does not have the document open, the stored path is used to identify the location of the original document and the local copy is merged with the original document. If however, the original document is still open at the second user, the first user is prompted to decide between saving the local copy with the path of the original document so that the local copy and original copy may be merged once the original document has been closed by the second user, or saving the copy as a separate file.

Support for claim 1 may be found in the specification at least at page 3, line 3 - page 4, line 14; page 12, lines 9-12; page 13, line 4 - page 14, line 26; page 15, lines 3-21; page 15, line 26 - page 16, line 8; and Figures 4a and 4b.

Claim 5 is directed to a computer-readable medium having computer-executable instructions for performing steps relating to enabling simultaneous multi-user editing of an original document. According to claim 5 a request is received from a first user to open an original document. If a determination is made that a second user has the original document open, a local copy of the document is created. A path to the original document is also stored with the local copy. The original document is periodically monitored to determine whether the second user, who has exclusive rights to save the original document while the document is open, still has the original document open. When a determination is made that the second user no longer has the original document open, the first user is prompted to decide whether to merge changes made in the local copy to the original document. Based on user input, the changes made to the local copy may be

merged to the original document. The location of the original document is identified by the stored path.

Support for claim 5 may be found in the specification at least at page 3, line 3 - page 4, line 14; page 12, lines 9-12; page 13, line 4 - page 14, line 26; page 15, lines 3-21; page 15, line 26 - page 16, line 8; and Figures 4a and 4b.

Claim 13 is directed to a system for enabling simultaneous multi-user editing of an original document. The system includes a file server that maintains an original document at a document location. A first local document editor enables a first user to make changes to the original document and sets a flag on the document indicating that the first user has the document open. When the document has been opened by the first user the first user has exclusive rights to save the original document. The system also includes a second local document editor. The second local document editor enables a second user to request access to the original document from the file server and determines whether the flag is set. If a determination is made that the flag is set, the second document editor creates a local copy of the original document. The document location is stored with the local copy as a registry key and associated with the local copy so that a change to the local copy can be merged with the original document at a later time.

Support for claim 13 may be found in the specification at least at page 3, line 3 - page 4, line 14; page 12, lines 6-27; page 13, line 4 - page 14, line 26; page 15, lines 3-21; page 15, line 26 - page 16, line 8; page 17, lines 19-30; and Figures 3, 4a, 4b and 6.

Claim 21 recites a method for enabling simultaneous multi-user editing of an original document file without a reference to a multi-user control file. According to the claimed method a request is received from a first user to open an original document file. A determination is made as to whether the original document is currently open at a second user. The second user has exclusive rights to save the original document while the second user has the original document open. If a determination is made that the original document is open at the second user, a local document file is created. A path of the original document file is also created and stored as a part of the local document file. When a request is made to save changes to the local document file, a determination is

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made as to whether the original document is still open at the second user. If the original

document is not open at the second user, the location of the original document is

identified using the stored path and the local document file is merged with the original

document file. If a determination is made that the second user still has the original

document open, the local document file, along with the path of the original document file

as a registry key, is saved and associated with the local copy. When a request is received

from a user to open the saved local document file, the user is prompted to merge the

saved local document file and the original document file. The original document file is

then progressively updated with merged edits so that edits to the original data file may be

accessed by subsequent editors.

Support for claim 21 may be found in the specification at least at page 2, lines 17-

29; page 3, line 3 - page 4, line 14; page 12, lines 6-10; page 13, line 4 - page 14, line 26;

page 15, lines 3-21; page 15, line 26 - page 16, line 8; and Figures 3, 4a, and 4b.

VI. Grounds of Rejection to be Reviewed on Appeal

Claims 1 and 5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,067,551 to Brown et al. ("Brown") in view of U.S. Patent Publication No. 2005/0055306 to Miller et al. ("Miller").

Claims 13 and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Brown in view of U.S. Patent No. 6,560,719 to Pham et al. ("Pham").

VII. Argument

All of the pending independent claims have been finally rejected under 35 U.S.C. § 103 as being unpatentable over Brown in light of at least one additional reference. 35 U.S.C. § 103 states: "A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains." *See* 35 U.S.C. § 103(a). However, according to the U.S. Supreme Court in *KSR International Co. v. Teleflex*, "[r]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness."[1]

Brown Does Not Disclose, Either Alone or In Combination with Miller, all of the Limitations of Claim 1 and Claim 5.

CLAIM 1

Claim 1 stands rejected over Brown in view of Miller. Claim 1 recites in part: "determining whether the original document is open at a second user, wherein the second user has exclusive rights to save the original document while the original document is open at the second user." Claim 1 also contains limitations that include performing actions "in response to a determination that the original document is open at the second user," and "in response to a determination that the original document is still open at the second user." These claim elements are not disclosed in Brown.

As discussed at length on pages 9-10 of Appellants' December 19, 2006, Amendment and Response ("December Response"), Brown teaches a method of controlling multi-user editing of a master copy of a document using a multi-user control file (MCF). The MCF provides access for remote users to a local copy of the master copy on the file server. The MCF controls save operations from various remote users' local copies to a master copy resident on the file server.

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[1] *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007).

Brown does not, however, disclose "determining whether the original document is open at a second user, wherein the second user has exclusive rights to save the original document while the original document is open at the second user" as required by claim 1 Nor does Brown disclose taking any actions "in response to a determination that the original document is open at" another user as required in various elements of claim 1. Whether the original document is "open" at a second user is irrelevant in Brown. Every user, regardless of whether it is the first to seek access to the document at issue, receives only a local copy. No user in Brown has exclusive saving rights.

The Examiner attempts to use a variety of disconnected elements and allusions from Brown to meet the limitations in claim 1 related to a determination that the original document being "open." In the Examiner's March 21, 2007 Office Action ("March OA"), the Examiner argues vaguely that the "recognizing multiple-user editing of the document" meets the claim 1 limitation "determining whether the original document is open at a second user." *See* March OA, p. 3. The Examiner refers to only the summary of the invention and claim 1 of Brown for this proposition – no specific language in Brown is cited. Indeed, the word "recognizing" is not used in Brown.

The Examiner separately argues that Brown teaches "determining whether the original document is open at a second user" by citing Brown at Col. 10 & 11 under the heading "The Multi-User Program Module." *See* March OA, p. 24. The cited sections simply recognize that sometimes only one user at a time will be editing a document. The Examiner concludes from these sections: "In other words, Brown teaches that a user can use the master copy (i.e., original document) for which a MCF (multi-user control file) exists to save edits." *See* March OA, p. 24. This argument is a *non sequitur*. The MCF is created regardless of whether another user already has the document open. *See* Brown Figures 2A, 2B, and 2D (If the MCF does not exist (220), the MCF is created (221), and a local copy is created (250) and edited by the user (255)). There is no difference in this procedure whether the document is, or is not, already open at another user. If only one user is editing the document, the MCF will be created but not have any effect. There is no teaching in Brown to determine whether the document is open at another user, and no action in Brown is dependent on such a determination.

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Next, the Examiner changes tack and equates "determining whether the original document is open" to the determination in Brown of whether another user is currently saving edits from its local copy to the master copy (i.e., by checking whether the MCF is locked). *See* March OA, p. 24 ("Brown teaches that if user is the first to access a master copy then the MCF is created and locked when the first user is making a save operation, all other users are denied access to the MCF.").

First, determining whether the MCF is locked because a save operation is occurring is not, under any reasonable interpretation, the same as determining whether the document is currently open at another user. Moreover, the determination of whether the MCF is locked in Brown simply does not map to the use of the "open" determination in the claims. For example, Claim 1 requires "in response to a determination that the original document is open at the second user, creating a local copy and storing a path of the original document with the local copy." The Examiner argues that this element is met by Brown creating a local copy for each user. *See* March OA, pp. 3-4. The Examiner has presented no argument, however, that the local copy is created "in response to a determination that the original document is open at the second user." In fact, if even accepting the Examiner's faulty correlation of the original document being "open" to the MCF being "locked," Brown teaches directly away from the required element. In Brown, if the MCF is locked (*See* Figure 2A, reference 235), the user waits until it is unlocked before the master copy is accessed (230) and the local copy is created (250), which is akin (according to the Examiner's analogy) to the document no longer being open at another user. This is the exact opposite of what claim 1 requires. The deficiencies in the Examiner's claim 1 arguments with regard to Brown are also fatal to the rejections of independent claims 5, 13 and 21 as will be discussed in more detail below.[2]

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[2] Claims 5, 13, and 21 include similar limitations relating to creating a local copy in response to a determination whether the original document is "open" at another user (*See*, without limitation, claim 5: "in response to a determination that the original document is open at a second user, creating and storing a local copy and storing a path of the original document with the local copy"; claim 13: "in response to a determination that the flag is set, the second local document editor is further operative to create a local copy of the original document"; claim 21: "in response to a determination that the original document is open at the second user, creating a local document file and storing a path of the original document file as part of the local document file.")

The Examiner attempts to use Miller to make up for the deficiencies of Brown. However, Miller does not make for the deficiencies of Brown and is not combinable with Brown.

Miller discloses a system for checking documents in and out of a file server. *See* Miller paras. 0175-0177. Although a user in the Miller system may need to determine whether a particular document has been "checked out" by another user, Miller does not disclose any way for multiple users to simultaneously edit a document or to merge local copy changes back into an original document. If a user checks a particular document out, no other user may modify it. *See* Miller para. 0181.

The Examiner cites Miller for the step of "in response to a determination that the original document is still open at the second user, prompting the first user to decide between saving the local copy with the path of the original document such that a subsequent merge of the saved local copy and the original document can be performed, and saving the local copy as a separate file as compared to the original document" as recited in claim 1. *See* March OA, pp. 6 & 25, citing Miller at paragraphs [0166]-[0173] and [0175]-[0177]. The cited sections of Miller simply do not disclose what the Examiner states they do. Rather, they confirm that although a modified file can be saved as a new file or different version of a current one, "a file in the repository can only be replaced if the user has checked it out." *See* Miller, para. [0169]. There is absolutely no disclosure in the cited sections or elsewhere in Miller of "prompting" the user in the way claimed. Nor is there any discussion of how changes made by a user who did not check the file out (i.e., files saved as separate files or new versions) can be merged back into the original document (e.g., the document in the repository). Miller is a basic check-in, check-out system – it allows one user at a time to edit a document and it is simply unconcerned with merging edits from multiple users back into a single document. Miller does not teach prompting the user to do anything in response to a determination that the original document is still open.

Nor, contrary to the suggestion by the Examiner, is there any motivation to combine Miller with Brown. Even in the recent decision in *KSR Int'l Co. v. Teleflex, Inc.*, the Supreme Court reaffirmed that it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art]

elements." *See* May 3, 2007 Memorandum from Deputy Commissioner Focarino, p. 2. In fact, Miller teaches away from Brown. Brown is directed to a system wherein a plurality of users can all edit a document at the same time, and a central-server process controls the versions and ensures saves of edits from various local copies are effectively managed. Miller, on the other hand, prohibits edits by anyone except the user that has a document checked out. All other users must wait until after it has been checked back in to check the document out themselves and make any changes. Simply put, Miller is designed specifically to prohibit multiple versions of a document being propagated and later merged, whereas Brown encourages multiple versions of a document to be created and merged by managing a sophisticated central server process. To imply that the combination of Brown and Miller would have been obvious to one of skill in the art to meet the elements of the claims as presently presented could only be rendered from the use of impermissible hindsight gleaned from the benefits of the present application. *See, Ex parte Haymond*, 41 USPQ2d 1217, 1220 (Bd. Pat. App. & Int. 1996).

For at least the reasons set forth above, claim 1 is allowable over the cited references.

CLAIM 5

Claim 5 stands rejected over Brown in view of Miller. The Examiner continues to cite Brown for the proposition that certain actions are taken in response to a determination that the original document is open at another user. Claim 5 recites in part: "in response to a determination that the original document is open at a second user, creating and storing a local copy and storing a path of the original document with the local copy... wherein the second user has exclusive rights to save the original document while the original document is open at the second user." As discussed, whether the document is "open at" another user is simply irrelevant in Brown. For at least the reasons stated above with respect to claim 1, Brown does not disclose at least the above-recited limitations of claim 5.

Further, the Examiner combines Miller and Brown and asserts that Miller teaches "prompting the user to decide whether to merge changes made to the local copy into the original document," as recited in Claim 5. First, this step is claimed as being performed

"in response to a determination that the original document is no longer open at the second user," and neither Brown nor Miller discloses doing anything in response to such a determination. In addition, as discussed above, Miller does not disclose any prompting of the user to decide whether to merge local-copy changes into the original document. In fact, there is no discussion in Miller of how local copy changes are ever merged back into an original document, let alone prompting the user to decide whether to do so. Moreover, the Examiner asserts, without explanation, that Miller teaches "monitoring the original document by periodically determining whether the original document is still open at the second user." (See March OA, pp. 8-9.) That is simply untrue. Miller has no discussion whatsoever of monitoring whether a document is no longer open at another user, and the Examiner has not cited any section of Miller that indicates otherwise.

For at least these reasons, claim 5 is allowable over the cited references.

Brown Does Not Disclose, Either Alone or In Combination with Pham, all of the Limitations of Claim 13 and Claim 21.

CLAIM 13

Claim 13 stands rejected over Brown in view of Pham. Claim 13 recites in part: "a first local document editor of a first user operative to make changes to the original document and to set a flag on the original document, the flag indicating that the original document is open at the first user, wherein the first user has exclusive rights to save the original document while the original document is open at the first user." and "wherein, in response to a determination that the flag is set..." The Examiner continues to rely on Brown to meet these limitations; however, as discussed, Brown does not teach a system in which any actions are taken based on a determination that the original document is open at another user. For at least the reasons stated above with respect to claim 1, Brown does not disclose at least the above-recited limitations of claim 13.

Moreover, the Examiner argues that Pham is combinable with Brown to meet the claim 13 limitation of: "in response to a determination that the flag is set, the second local document editor is further operable to create a local copy of the original document and to store the document location with the local copy as a registry key associated with the local copy." The Examiner is, again, mistaken.

Pham discloses a method for recovery of original registry key file data. Pham has nothing to do with multi-user editing systems, and the Examiner cites Pham solely because Pham discusses the use of registry keys. There is no reason for one of ordinary skill to combine Pham with Brown. In addition, Pham does not make up for the substantive deficiencies in Brown. For example, as discussed, no action in Brown is dependent upon a determination that the original document is still open elsewhere (or that a flag is set indicating that the document is still open). In fact, according to the Examiner's own analogy that the MCF "lock" setting correlates to the "open" determination in claim 13, Brown teaches directly away from the quoted claim elements by creating a local copy only after the MCF is <u>unlocked</u> (see above). The Examiner has not pointed to any support in Pham to make up for this deficiency in Brown.

For at least these reasons, claim 13 is allowable over the cited references.

CLAIM 21

Claim 21 stands rejected over Brown in view of Pham. Claim 21 recites in part: "determining whether the original document file is open at a second user, wherein the second user has exclusive rights to save the original document while the original document is open at the second user;" and "in response to a determination that the original document is open at the second user, creating a local document file and storing a path of the original document file as part of the local document file." With respect to these limitations, Appellants reiterate the arguments made above with respect to claim 1 and submit that Brown does not disclose at least the above-recited limitations of claim 21.

Further, the Examiner argues that Pham is combinable with Brown to meet the limitation of: "in response to a determination that the original document file is still open at the second user, saving the local document file with the path of the original document file as a registry key associated with the local copy" In response to this argument, Appellants reiterate the arguments made above with respect to claim 13 and submit that Pham is not combinable with Brown and does not disclose or suggest at least the above-recited limitation of claim 21.

For at least these reasons, claim 21 is allowable over the cited references.

For at least the reasons set forth herein, Appellants respectfully request that the Board reverse the rejection of the claims and that the claims be allowed in their current form.

Dated: February 1, 2008   Respectfully submitted,

27488
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VIII. Claims Appendix

1.   (Previously Presented)   A method for enabling simultaneous multi-user editing of an original document, the method comprising the steps of:

receiving a request from a first user to open the original document;

determining whether the original document is open at a second user, wherein the second user has exclusive rights to save the original document while the original document is open at the second user;

in response to a determination that the original document is open at the second user, creating a local copy and storing a path of the original document with the local copy;

in response to the receipt of a request to save changes to the local copy, determining whether the original document is still open at the second user;

in response to a determination that the original document is not still open at the second user, identifying a location for the original document using the stored path and merging the local copy with the original document;

in response to a determination that the original document is still open at the second user, prompting the first user to decide between saving the local copy with the path of the original document such that a subsequent merge of the saved local copy and the original document can be performed, and saving the local copy as a separate file as compared to the original document.

2.   (Previously Presented)   The method of claim 1, wherein the determination of whether the original document is open at a second user is made by determining whether an in-use flag is set for the original document.

3.   (Previously Presented)   The method of claim 1, further comprising the step of in response to a determination that the original document is still open at the second user, creating an email note with the local copy as an attachment and sending the email note to the second user for the subsequent merge.

4.   (Previously Presented)   The method of claim 1, further comprising the step of in response to a determination that the original document is still open at the second user, saving the local copy with the path of the original document, such that the

second user attempting to open the saved local copy will be prompted to merge the saved local copy with the original document.

5.   (Previously Presented)   A computer-readable medium having computer-executable instructions for performing steps comprising:

receiving a request from a first user to open the original document;

in response to a determination that the original document is open at a second user, creating and storing a local copy and storing a path of the original document with the local copy;

monitoring the original document by periodically determining whether the original document is still open at the second user, wherein the second user has exclusive rights to save the original document while the original document is open at the second user;

in response to a determination that the original document is no longer open at the second user, notifying the first user that the original document is no longer open and prompting the user to decide whether to merge changes made to the local copy into the original document; and

in response to input from the first user, merging changes made to the local copy into the original document, the location of the original document being identified by the stored path.

6.   (Original)   The computer-readable medium of claim 5, further comprising the step of storing the path of the original document as a property of the local copy.

7.   (Original)   The computer-readable medium of claim 5, further comprising the step of storing the path of the original document as a registry key associated with the local copy.

8.   (Previously Presented)   The computer-readable medium of claim 5, further comprising the step of in response to an attempt to open the stored local copy and to a determination that the original document is no longer open at the second user, providing a prompt to merge the local copy with the original document.

9.   (Previously Presented)   The computer-readable medium of claim 5, further comprising the step of creating an email note with the local copy as an attachment and sending the email note to the second user prior to the merging changes step.

10.   (Original)   The computer-readable medium of claim 9, further comprising the step of attaching the path of the original document to the email note.

11.   (Original)   The computer-readable medium of claim 10, wherein the step of creating an email note comprises inserting a default entry into a subject field of the email note.

12.   (Original)   The computer-readable medium of claim 10, wherein the step of creating an email note comprises inserting a default entry into a message body field of the email note.

13.   (Previously Presented)   A system for enabling simultaneous multi-user editing of an original document, comprising:

a file server operative to maintain an original document at a document location;

a first local document editor of a first user operative to make changes to the original document and to set a flag on the original document, the flag indicating that the original document is open at the first user, wherein the first user has exclusive rights to save the original document while the original document is open at the first user;

a second local document editor of a second user operative to request access to the original document from the file server and determine whether the flag is set; and

wherein, in response to a determination that the flag is set, the second local document editor is further operative to create a local copy of the original document and to store the document location with the local copy as a registry key associated with the local copy so that a change to the local copy can be merged with the original document at a later time.

14.   (Original)   The system of claim 13, wherein the document location is stored with the local copy as a property of the local copy.

15.   (Canceled)

16.   (Previously Presented)   The system of claim 13, wherein the second local document editor is further operative to monitor in a background process whether the original document is still open at the first user and, if the original document becomes available, to provide a prompt to merge the local copy with the original document.

17.   (Previously Presented)   The system of claim 13, wherein the second local document editor is further operative to cause the creation of an email note with the stored local copy as an attachment and to cause the email note to be sent to the first user.

18.   (Previously Presented)   The system of claim 13, wherein the second local document editor is further operative to cause the attachment the path of the original document to the email note.

19.   (Previously Presented)   The system of claim 13, wherein the second local document editor is further operative to cause the insertion of a default entry into a subject field of the email note.

20.   (Previously Presented)   The system of claim 13, wherein the second local document editor is further operative to cause the insertion of a default entry into a message body field of the email note.

21.   (Previously Presented)   A method for enabling simultaneous multi-user editing of an original document file without reference to a multi-user control file, the method comprising:

receiving a request from a first user to open the original document file;

determining whether the original document file is open at a second user, wherein the second user has exclusive rights to save the original document while the original document is open at the second user;

in response to a determination that the original document is open at the second user, creating a local document file and storing a path of the original document file as part of the local document file;

in response to the receipt of a request to save changes to the local document file, determining whether the original document file is still open at the second user;

in response to a determination that the original document file is not still open at the second user, identifying a location for the original document using the stored path and merging the local document file with the original document file;

in response to a determination that the original document file is still open at the second user, saving the local document file with the path of the original document file as a registry key associated with the local copy;

in response to a request from a user to open the saved local document file, prompting the user to merge the saved local document file and the original document file;

wherein the original document file is progressively updated with merged edits so that edits to the original data file may be accessed by subsequent editors.

22.   (Previously Presented)   The method of claim 21 further comprising: monitoring the original document file; and

in response to a determination that the original document file is no longer open at the second user, notifying the first user that the original document file is no longer open.

23.   (Previously Presented)   The method of claim 22 wherein, if the local document file and original document file are merged, the first user is allowed to work in the original document file after the merger of the local document file and original document file.

24.   (Previously Presented)   The method of claim 21, wherein the determination of whether the original document file is open at a second user is made by determining whether an in-use flag is set for the original document file.

25.   (Previously Presented)   The method of claim 21, further comprising:

in response to a determination that the original document file is still open at the second user, creating an email note with the local document file as an attachment and sending the email note to another user for a subsequent merge.

26.   (Previously Presented)   The method of claim 25, further comprising attaching the path of the original document file to the email note.

27.   (Previously Presented)   The method of claim 25, wherein creating an email note comprises inserting a default entry into a subject field of the email note.

28.   (Previously Presented)   The method of claim 27, wherein creating an email note comprises inserting a default entry into a message body field of the email note.

IX. Evidence Appendix

Office Actions and Amendments/Responses

   1. Final Office Action Mailed March 21, 2007

   2. Response to Office Action December 19, 2006

References Relied Upon by the Examiner

   1. Brown et al., U.S. Patent No. 6,067,551

   2. Miller et al., U.S. Patent Publication No. 2005/0055306

   3. Pham et al., U.S. Patent No. 6,560,719

X. Related Proceedings Appendix

A copy of the Notice of Panel Decision from Pre-Appeal Brief Review has been included herewith.